

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference SJC/DMC/PO1918WC		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/GB 03/03429	International filing date (day/month/year) 07.08.2003	Priority date (day/month/year) 07.08.2002	
International Patent Classification (IPC) or both national classification and IPC B02C1/02			
Applicant BL-PEGSON LIMITED et al.			

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 3 sheets.

3. This report contains indications relating to the following items:

I	<input checked="" type="checkbox"/>	Basis of the opinion
II	<input type="checkbox"/>	Priority
III	<input type="checkbox"/>	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
IV	<input type="checkbox"/>	Lack of unity of invention
V	<input checked="" type="checkbox"/>	Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
VI	<input type="checkbox"/>	Certain documents cited
VII	<input type="checkbox"/>	Certain defects in the international application
VIII	<input type="checkbox"/>	Certain observations on the international application

Date of submission of the demand 05.03.2004	Date of completion of this report 18.11.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Redelsperger, C Telephone No. +49 89 2399-6058 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/GB 03/03429**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-7 as originally filed

Claims, Numbers

1-16 received on 30.10.2004 with letter of 28.10.2004

Drawings, Sheets

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/GB 03/03429**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	5,7,8,11,12,13,15
	No: Claims	1-4,6,9,10,14,16
Inventive step (IS)	Yes: Claims	
	No: Claims	1-16
Industrial applicability (IA)	Yes: Claims	1-16
	No: Claims	

2. Citations and explanations

see separate sheet

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**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/GB 03/03429

Re. Item V

1. Prior Art

The following documents are referred to in this communication; the numbering will be adhered to in the rest of the procedure:

D1: EP 0 919 283 A
D2: EP 0 865 825 A
D3: WO 85 03887 A
D4: DE 93 13 851 U

2. Claim 1 (Novelty)

D1 describes a crusher assembly comprising:

- a crushing chamber for receiving materials to be crushed and having an outlet for discharging material introduced into the crushing chamber (**Col.2, lines 33-37, Fig.7**); and
- a plate (44) mounted adjacent the outlet which is movable independently relative to the outlet for clearing objects which become blocked in the outlet in use (**Col.9, lines 44-50, Fig.7, Fig.8A**).

Furthermore:

- the expression "for" has to be considered as "suitable for".
- the stopper (44) of D1 is positioned under the discharge outlet (8) (**col.9, lines 10-13**)
 - the crushed and broken materials are discharged when the stopper (44) is in an open state (**col.9, lines 44-50**)
 - the stopper is swingably moved by a cylinder (**col.9, lines 49-50**)

Based on this considerations, the skilled person would consider the stopper (44) of D1 also as "being arranged for clearing objects which become blocked in the outlet in use".

Since D1 discloses all the features of claim 1, its subject-matter can therefore not be considered as novel in the sense of Article 33(2) PCT.

3. Dependant claims 2-15

The additional features introduced by claims 2-4,6,9,10 and 14 are also known from D1. A combination of them together with those of claim 1 seem not to contribute to novelty (Article 33(2) PCT).

The additional features introduced by claims 7 and 8 are technical alternatives for mounting the plate. These alternatives are described respectively in D3 and D4. A combination of these features together with those of claim 1 seem to contribute to the required inventive step (Art.33(3)PCT).

The additional features introduced by claims 12 and 13 are only routine design measures, in order to deflect the material which passes through the outlet of the crushing chamber, under normal conditions, and well known from the person skilled in this particular field. A combination of these features together with those of claim 1-4, 6 and 7 seem not to contribute to the required inventive step (Art.33(3)PCT).

Those of claims 5 and 15 are also routine measures perfectly known from the person skilled in this particular field for the same purposes. A combination of these features together with those of claim 3 are 4, respectively 1-4, 6 and 7 seem not to contribute to the required inventive step (Art.33(3)PCT).

4.Claim 16

As same as for claim 1, D1 describes unambiguously all the features of claim 16 (Col.2, lines 33-37; Col.9, lines 44-50, Fig.7, and Fig.8A).

Since D1 discloses all the features of claim 16, its subject-matter can therefore not be considered as novel in the sense of Article 33(2) PCT.